

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY HUMPHREYS,	:	
Plaintiff,	:	
v.	:	Civil Action No. 05-436J
JEFFREY A. BEARD, SECRETARY,	:	
PENNSYLVANIA DEPARTMENT OF	:	
CORRECTIONS, G. HILER,	:	
WILLIAM BJORKLAND, E. VISH, and	:	
ELEANOR WEAVER,	:	
Defendants	:	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge, after screening the complaint pursuant to 28 U.S.C. § 1915A, filed a Report and Recommendation on July 6, 2006, docket no. 2, recommending that the complaint be dismissed for failure to state a claim.

The plaintiff was notified that pursuant to 28 U.S.C. § 636(b)(1), he had ten days to serve and file written objections to the Report and Recommendation. Plaintiff has not filed objections, and the time to do so has expired. Plaintiff has also not returned the Authorization for payment of filing fees under the Prison Litigation Reform Act.

Upon de novo review of the record of this matter, including the Report and Recommendation, and noting the absence of timely objections thereto, the following order is entered:

AND NOW, this 24th day of July, 2006, it is

ORDERED that the complaint is dismissed for failure to prosecute. If plaintiff authorizes the payment of the filing fee, the complaint is dismissed for failure to state a claim. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to:

Anthony Humphreys EP-7509
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